

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DANNY LEE BREWER,)	
)	
Plaintiff)	
)	No. 3:11-0074
v.)	Judge Campbell/Brown
)	
K. BUFORD #495)	
)	
Defendant)	

O R D E R

The Court has received two letters from the Plaintiff, dated May 4, 2011 (Docket Entry 37).

This case is set for a case management conference on May 16, 2011 (Docket Entry 29). In the letter (Docket Entry 37) the Plaintiff indicates that he may be moved to a state facility. Counsel for the Defendant is requested to check on this and advise the Court promptly if the Defendant is moved prior to the May 16th hearing.

The Plaintiff has asked the Court for legal advice, which the Court is not able to provide. The purpose of the case management conference on May 16th is to set a scheduling order in this case. The scheduling order will depend on the particular facts and circumstances of the case. This may include allowing a reasonable time for the Plaintiff to seek counsel.

The second page of the letter, which was addressed to Judge Campbell, appears to be more in the nature of a request to bar testimony by anyone who was not present at the time of the

alleged incident. To the extent this is intended as a motion *in limine* to prevent testimony of an Inmate Matheny, it is **DENIED** as premature. The case is in the discovery stage. Whether a particular witness will be allowed to testify at trial cannot be determined at this point. In litigation it is not unusual for different witnesses to testify differently about a situation. Normally the issue of credibility of witnesses is determined by the trier of fact.

The Plaintiff notes that he did not have envelopes to forward copies to the Defendant's attorney. The Plaintiff is responsible for sending a copy of all pleadings he files with the Court to opposing counsel and to provide a certificate of service that he has done so. An appropriate certificate of service would be:

I certify that a copy of the foregoing pleading has been served by mail upon Edward E. Cope and Thomas S. Santel, Jr., Cope Hudson Reed & McCreary PLLC, P.O. Box 884, Murfreesboro, TN 37133-0884, on [insert date you mailed the document].

Sign your name here
Danny Lee Brewer 255889
Rutherford County Adult
Detention Center
940 New Salem Highway
Murfreesboro, TN 37130
[Include the Warden's telephone
number]

It is so **ORDERED**.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge